

REMARKS/ARGUMENTS

Claims 6, 17-41, 47-49 and 53-60 are pending in the above application. By the above amendment, claims 1-5, 7-16, 42-46 and 50-52 have been cancelled without prejudice.

STATEMENT OF THE SUBSTANCE OF INTERVIEW

A personal interview was conducted on September 22, 2009, between Examiner Thjuan Addy and Applicant's representative, Scott Wakeman. No exhibits were shown. Claims 1, 6, 17, 22, 26 and 60 were discussed along with the reference to Amick. Applicant's representative argued that Amick's "office telephone 11" does not satisfy the limitations of a "network device" as recited in the pending claims. The examiner agreed to review Amick to determine whether this interpretation of office telephone 11 could be maintained.

OFFICE ACTION SUMMARY

The Office Action dated June 24, 2009, has been received and carefully reviewed. In that Office Action claims 1-60 were rejected under 35 U.S.C. 102(b) as being anticipated by Amick. Reconsideration and allowance of the pending claims is respectfully requested in view of the above amendments and the following remarks.

Claim 6 has been rewritten in independent form, but the scope of this claim has not changed. Claim 6 was rejected under 35 U.S.C. 102(b) as being anticipated by Amick. Claim 6 recites a network device adapted to receive an incoming call, the network device comprising a call forwarding function adapted to, if the incoming call

received at the network device was intended for another network device, look-up a call forwarding destination on behalf of the other network device and respond to the incoming call with the call forwarding destination. The network device further includes a call processing module adapted to process the incoming call, the processing module comprising the call forwarding function. The network device also includes a user interface adapted to receive a user input enabling call forwarding, wherein responsive to the user input the call processing module is further adapted to deliver call forwarding functionality by, upon receipt of the incoming call, if the incoming call was intended for the network device, looking-up another call forwarding destination and responding to the incoming call with the other call forwarding destination.

The Office Action indicates that either of two elements of Amick satisfy the limitation of “a network device” in claim 6, namely, Amick’s “virtual network call processor 20” and Amick’s “office telephone 11.” It is respectfully submitted that neither of these elements satisfies the network device limitation of claim 6 and that claim 6 is allowable over Amick.

Amick’s “virtual call processor 20” is addressed first. The virtual call processor does not have a user interface adapted to receive a user input enabling call forwarding. The virtual network call processor also does not have a call processing module adapted to deliver call forwarding functionality by, upon receipt of the incoming call, if the incoming call was intended for the network device, looking-up another call forwarding destination and responding to the incoming call with the other call forwarding destination. In Amick, calls received at virtual call processor are intended for other devices such as office telephone 11. These calls arrive at the virtual call processor

under certain conditions, such as when Amick's office telephone 11 is busy. Amick does not disclose calls that are intended for the virtual call processor that result in the looking up of call forwarding information as claimed. It is therefore respectfully submitted that Amick's virtual call processor 20 does not satisfy the "network device" limitation of claim 6, and that claim 6 is allowable over Amick when virtual call processor 20 is interpreted as corresponding to the claimed network device.

If the examiner maintains the rejection of claim 6 based on the above interpretation of Amick, it is respectfully requested that the examiner explain how Amick's virtual call processor is believed to 1) have a user interface adapted to receive a user input enabling call forwarding and 2) look up another call forwarding destination for a call intended for the network device so that the grounds for this rejection will be clear from the record.

The examiner has also indicated that Amick's office telephone 11 can be interpreted to correspond to the recited network device. However, network telephone 11 of Amick does not include a call processing module adapted to process an incoming call that includes the call forwarding function. Instead, as illustrated in Figure 4 of Amick, office telephone 11 is in communication with a PBX 9 which would provide call forwarding and other call control functions as would be recognized by those of ordinary skill in the art. Nothing in Amick suggests that office telephone 11 includes a module for performing call forwarding, or for looking up another call forwarding destination as recited in claim 6, and claim 6 is submitted to be allowable over Amick under this interpretation of Amick as well.

If the rejection of claim 6 is maintained based on this interpretation, it is

respectfully requested that the examiner identify the call processing module in Amick's office telephone 11 and/or explain why such a module would be inherent or necessarily present in office telephone 11, in view of the fact that call processing functions are generally performed by a PBX such as PBX 9 disclosed in Amick.

Claims 17-24, 47 and 53-59 include limitations different than those of claim 6. However, it is believed that the arguments presented above in connection with claim 6 also show how the inventions of these claims distinguish over the art of record. Applicant reserves the right to argue the patentability of claims 17-24, 47 and 53-59 in a further response and/or on appeal, if necessary.

Claim 25 recites a network device that is a VoIP telephone that includes a call forwarding function adapted to, if the incoming call received at the network device was intended for another network device, look-up a call forwarding destination on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination. Amick's virtual network call processor is not a VoIP telephone; claim 25 is therefore not anticipated under an interpretation of Amick that requires virtual network call processor 20 to correspond to the claimed "network device." Amick's office telephone 11 is not disclosed as a VoIP telephone. Column 9, lines 1-13 of Amick cited in the Office Action describes the devices that can be called by virtual network call processor, not, the nature of office telephone 11. Even if a reason were provided for replacing Amick's office telephone 11 with a VoIP telephone, such a telephone would not include a call forwarding function since such a function would presumably be provided by the PBX 9 disclosed in Amick. Claim 25 is submitted to be allowable over Amick for this reason and the reasons provided above in connection with

claim 6.

Claim 26 recites a network device adapted to participate in call forwarding that includes a call forwarding function. For a call initiated with a first other network device, if the first other network device cannot be reached, the call forwarding function is adapted to: i) look-up a destination address for a second other network device; ii) initiate another call to the second other network device; and iii) responsive to receiving a first message from the second other network device containing a call forwarding destination, respond with a second message to a network device having the call forwarding destination for setting up another call, the call forwarding destination being obtained by the second other network device on behalf of the first network device. The Office Action indicates that Amick's virtual network call processor performs the recited call forwarding function, that office telephone 11 corresponds to the recited first other network device, that home office phone 28 corresponds to a second other network device and that a mobile phone 26 corresponds to "a network device having the call forwarding destination." It is respectfully submitted that Amick does not satisfy the recitations of claim 26. The rejection is addressed below using the examiner's interpretation of the elements of Amick that allegedly correspond to the elements of claim 26 to show how Amick does not satisfy these limitations.

When office telephone 11 cannot be reached, Amick's virtual network call processor pulls back a call and attempts to reach a user at another location, home office phone 28, for example. However, claim 26 recites an action responsive to "receiving a first message from the second other network device containing a call forwarding destination." Amick does not show the home office telephone sending a message

containing a call forwarding destination to the virtual network call processor. The home office telephone might return a ringing signal or a busy signal, but there is no indication that it returns a message containing a call forwarding destination to the virtual network call processor. Claim 26 also recites that the first network device responds to the previously discussed message with a second message to a network device having the call forwarding destination. Amick's virtual call processor 20 does not respond to a message from home office telephone 28 having a call forwarding destination. Instead, virtual call processor 20 already has other stored numbers to try (such as mobile telephone 26) if home office telephone cannot be reached. Amick also fails to satisfy this limitation of claim 26.

If this rejection is maintained, it is respectfully requested that the examiner identify the message or signal from home office telephone 28 that contains a message containing a call forwarding destination and identify the second message produced by virtual network call processor to a network device having the call forwarding destination so that the basis for this rejection can be better understood.

Claim 27 depends from claim 26 and is submitted to be allowable for at least the same reasons as claim 26.

Claims 28-41, 48, 49 and 60 are different than claim 26, and Applicant reserves the right to address these claims individually in a further response or on appeal. However, it is believed that the arguments presented above in connection with claim 26 also show that claims 28 and 29 are not anticipated by Amick, and reconsideration and allowance of these claims is also respectfully requested.

CONCLUSION

It is believed that claims 6, 17-41, 47-49 and 53-60 are in condition for allowance, wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact Scott Wakeman (Reg. No. 37,750) at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

/Scott T Wakeman #37750/

Scott L. Lowe
Registration No. 41,458
Scott T. Wakeman
Registration No. 37,750

PO BOX 1364
Fairfax, VA 22038-1364
1.703.621.7140

Date: September 23, 2009